

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

C.R. #222385

DATE OF REPORT (DAY-MO.-YEAR)

4 Jan 96

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION

☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS

☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
McGOVERN, James F.		Sgt.	1832			013
ADDRESS OF INCIDENT		DATE OF INCIDENT - TIME		BEAT OF INCIDENT		LOCATION CODE*
1626 W. Huron		5 Nov 95 0100 hrs.		1324		02
NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
1. CHABRON, Renata A.		P.O.	5714			013
2. KUSSMANN, Gary M.		P.O.	6273			013
SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		PHYS. COND. CODE†
1. F/W	65	13 Dec 93		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01
2. M/W	56	5 Dec 88		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01
IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE	
1. D		N		-	A	
2. D		N		-	A	
NAME	*ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
					M/WH	55/40
NAME	ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
DNA						
NAME	ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
					F/WH	45/50

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

On 7 Nov 95 at 1200 hours, the complainant, [REDACTED], telephoned the Office of Professional Standards and spoke to Inv. Maira Velez, Employee [REDACTED]. [REDACTED] alleged that on 5 Nov 95 at approximately 0100 hours, the accused officers, while at his tavern at 1626 W. Huron :

Allegation #1 : threatened to close down his business, and

Allegation #2 : entered the tavern without permission and searched his customers without a warrant or permission.

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Compliment-ary History will be included as attachments.

The undersigned reporting sergeant was assigned to investigate this complaint register number on 15 Nov 95 at 1800 hours. An investigation by the r/s revealed the following.

On 6 Dec 95 at 2130 hours, the r/s interviewed the complainant, [REDACTED] (Attachment #3). [REDACTED] is the owner of the tavern at 1626 W. Huron, the location of this incident. [REDACTED], regarding the incident on 5 Nov at approximately 0100 hours, was not at his tavern when the officers arrived and did not witness any of the police actions and had no contact with any police officers on that date. [REDACTED] was informed of the police actions regarding this investigation by his only employee working at the above time, the bartender, [REDACTED].

On 5 Dec 95 at 2020 hours, the r/s interviewed the listed witness in this investigation, bartender [REDACTED], at the tavern at 1626 W. Huron (Attachment #4). [REDACTED] informed the r/s that on 5 Nov 95 at approximately 0100 hours, several Plain clothes police officers entered the tavern and told all the customers, approximately eight male Hispanics, to stand. The officers searched all the men and also searched behind and around the bar. [REDACTED] stated that she observed no weapons recovered from the men but, after their searches, three of the men were handcuffed because they might of had drugs. After the officers concluded their search, the officers had the other customers leave the tavern, to [REDACTED] to close the tavern for the night, and the officers left with the three handcuffed men when she closed the tavern. Further, [REDACTED] stated that she told her boss, [REDACTED], on Sunday afternoon what had happened at the tavern. Both the complainant and [REDACTED] expressed a serious concern that they, and the tavern, should not be held responsible for what customers may bring in or have on their persons. From their interviews with the complainant and [REDACTED], the r/s believes that there was a miscommunication between Mr.

SUMMARY

ATTACH-
MENTS

INVESTIGATIVE REPORTS—
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

3 & 4.

INVESTIGATIVE REPORTS—
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

23-28.

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

2.

Continued to Page #2
TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

29.

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS : The r/s believes that the officers were involved in a concerted effort that brought them to the tavern regarding information received about a man with a gun and subsequently resulted in the arrest of three subjects for narcotic violations. The premise involved is currently a validly licensed tavern, open for business, and the officers did not need a warrant to enter or, for their safety, to conduct a protective search of persons they believe to be possibly armed. The r/s received conflicting information, from the complainant and witness, regarding the officers' threat to close down the tavern, a threat that all the officers deny. As a result, the r/s makes the following finding regarding the allegations : Allegation #1 : the threat to close down the tavern : Not Sustained : insufficient evidence either to prove or disprove the allegation, and,

Allegation #2 : the entry and search : Exonerated : the incident occurred but the actions were lawful and proper.

REVIEWED BY [REDACTED]

JAN 2 5 1996

RECOMMENDATIONS : No disciplinary action.

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

15 Nov 95

DATE COMPLETED
(DATE OF THIS
REPORT)

4 Jan 96

ELAPSED TIME
(TOTAL TIME,
EXPRESSED IN DAYS)

50 days.

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR

#183

Additional Accused :

#3 : LOPEZ, Rafael Z. P.O. Star #15827 S.S. [REDACTED]
Employee [REDACTED] Unit 013 M/WH/D.O.B.: [REDACTED] 62
Date of Appt.: 18 Nov 91 On duty sworn member.

#4 : RONAN, Sean M. P.O. Star #14396 S.S. # [REDACTED]
Employee [REDACTED] Unit 013 M/WH/D.O.B.: [REDACTED] 70
Date of Appt.: 22 Nov 93 On duty sworn member.

#5 : MATIAS, Hector L. P.O. Star #9350 S.S. # [REDACTED]
Employee # [REDACTED] Unit 013 M/WH/D.O.B.: [REDACTED] 69
Date of Appt.: 18 Nov 91 On duty sworn member.

#6 : ROMERO, Hector J. Jr. P.O. Star #12242 S.S. # [REDACTED]
Employee [REDACTED] Unit 013 M/WH/D.O.B.: [REDACTED] 65
Date of Appt.: 27 Mar 91 On duty sworn member.

Continuation of Summary, from Page #1 :

[REDACTED] and [REDACTED] in that [REDACTED] alleged that the officers told [REDACTED] that they were going to close down the tavern permanently when, [REDACTED] stated that the officers only closed down the tavern upon the completion of their search on the date of this incident.

A review of district reports revealed that a Vice Case Report, R.D. #S708184 was completed relating to this incident (Attachment #2). The r/s identified the listed six accused officers from this case report.

The accused officers were given their Notification of Charges/Allegations, their Administrative Proceedings Rights, and their Waiver of Counsel/Request to Secure Counsel formsets (Attachment #'s 5 to 22). The six accused officers all submitted a report regarding this investigation (Attachment #'s 23 to 28). A review of the case report and the officers' reports revealed the following. The officers assert that on 5 Nov 95 at approximately 0100 hours, they received information from a citizen that a male Hispanic with a gun was in the tavern at 1626 W. Huron. The officers all went to and entered the tavern at 1626 W. Huron. The officers conducted a protective search of all the male Hispanic patrons of the tavern that matched the description given but, no weapons were recovered. However, three of the subjects searched were in possession of narcotics, place under arrest, and subsequently charged accordingly. The officers deny that they threatened to close down the business and the officers were not in possession of any type of warrant.



[REDACTED]

#1832